

United States District  
Court - Southern District  
Of New York

**18CV5170**

SUMMONS  
SUIT/CLAIM

State Of New York  
City Of New York

FAILURE TO RESPOND  
TO NOTICES...

Mrs. Belinda A. Wilson  
Mr. Roberto V. Hamilton

Under the Const.  
Of the United States  
The Civil Rights Act,  
42 U.S.C. § 1983

Vs.

28 U.S.C. § 1331, 1343

City Of New York  
Police Dept.  
Et AL

Oversight, Tort  
Claim In The Nature  
Of Mandamus...

CLAIM NO. 1

2018P1009319

2018P1009320

TO THE Southern District Court  
Of New York : SUMMONS FOR  
FAILURE TO RESPOND TO THREE (3)  
NOTICED NOTICES SEEKING RELIEF  
AND REDRESS... "PRO SE DEEDS - Southern  
District Of New York"  
"JURISDICTION AND VENUE"

- 1.) This Is A Civil Rights Action claim/complaint/suit ... AUTHORIZED BY 42 U.S.C. § 1983 SEEKING Relief + Redress To The Deprivations Under The Color Of State Law, Of Rights Secured By The Constitution Of The United States ... This Honorable Court Has Jurisdiction Under 28 U.S.C. Section 1331, 1334, Bivens Action Tort Claim In The Nature Of Mandamus ... Petitioners Seek Declaratory Relief Pursuant To 28 U.S.C. Section 2201 + 2202, Petitioners Claim For Injunctive Relief Are Further AUTHORIZED BY 28 U.S.C. Section 2283 + 2284 AND Rule 65 OF THE FEDERAL Rule Of Civil PROCEDURE.
- 2.) The Southern District Of New York Is An Appropriate Venue Under 28 U.S.C. Section 1391(b)(2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS claim/suit OCCURRED.
- 3.) Further, The Petitioners Request That These Proceedings BE REVIEWED UNDER THE LESSER STANDARD FOR PRO-SE GRICKS AS PER HAINES V. KERNER, 404 U.S. 579 [1972] [PRO-SE Litigants Pleadings ARE TO BE CONSTRUED LIBERALLY AND

HELD TO LESS STRINGENT STANDARDS THAN FORMAL PLEADINGS DRAFTED BY LAWYERS.]

"JURISDICTION AND VENUE...  
DUAL AND CONCURRENT"

"NOTICE IS PRECRIPTED FOR CIVIL RIGHTS ACTION: FELDER V. CASEY"

4.) Section 1983 OF Civil Rights Act; A SUCCESSOR OF THE CIVIL RIGHTS ACT OF 1871, WAS ENACTED IN RESPONSE TO A PERCEIVED UNWILLINGNESS OF STATES TO PROTECT THEIR CITIZENS RIGHTS. THE STATUTE PROVIDES DIRECT ACCESS TO A JUDICIAL FORUM TO ALL INDIVIDUALS WHO CLAIM THEIR CONSTITUTIONAL OR OTHER FEDERAL RIGHTS HAS BEEN VIOLATED BY PERSONS ACTING UNDER COLOR OF STATE LAW.

5.) 42 U.S.C. § 1983... THE SECTION PROVIDES: EVERY PERSON WHO, UNDER COLOR OF ANY STATUTE, OR ORDINANCE, REGULATION, CUSTOM, OR USAGE, OF ANY STATE OR TERRITORY OR THE DISTRICT OF COLUMBIA, SUBJECTS, OR CAUSES TO BE SUBJECTED, ANY CITIZEN OF THE U.S. OR OTHER PERSON WITHIN THE JURISDICTION

THENCE TO THE DEPRIVATION OF ANY RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION AND LAWS, SHALL BE LIABLE TO THE PARTY INJURED IN AN ACTION AT LAW, SUIT IN EQUITY, OR OTHER PROPER PROCEEDING FOR REDRESS. FOR THE PURPOSE OF THIS SECTION, ANY ACT OF CONGRESS APPLICABLE EXCLUSIVELY TO THE DISTRICT OF COLUMBIA SHALL BE CONSIDERED TO BE A STATUTE OF THE DISTRICT OF COLUMBIA I.D.

"Act OF APR 20, 1871, CH. 22, § 1.17 STAT. 13 RECODIFIED AT 42 U.S.C. § 1983 (1982).

- 6.) THIS ACT PROVIDES IN PERTINENT PART: [A]ny PERSON WHO, UNDER COLOR OF ANY LAW, STATUTE, ORDINANCE, REGULATION, CUSTOM, OR USAGE OF ANY STATE, SHALL SUBJECT, OR CAUSE TO BE SUBJECTED, ANY PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION OF THE U.S., SHALL ANY SUCH LAW, STATUTE, ORDINANCE, REGULATION, CUSTOM, OR USAGE OF THE STATE TO THE CONTRARY NOTWITHSTANDING, BE LIABLE TO THE PARTY INJURED IN ANY ACTION AT LAW, SUIT IN EQUITY, OR OTHER PROPER PROCEEDING FOR REDRESS

7) SEE *MONROE V. PATE*, 365 U.S. 167, 180 (1961),  
 OVER R'D ON OTHER GROUNDS, SUB NOM, *MONROE V.*  
*DEPT OF SOCIAL SERV.*, 436 U.S. 658 (1978)... DUE  
 TO DISCRIMINATION, ENFORCEMENT OF STATE LAW WAS  
 QUESTIONABLE LEADING TO FEDERAL LEGISLATION AS A  
 PROTECTIVE MEASURE. I.D. THE STATES FAILURE TO  
 ADDRESS THE PROTECTION OF PRIVATE RIGHTS LED TO THE  
 NEED FOR FEDERAL ACTION I.D. AT 23 N. 46...  
 SEE ALSO *PATSY V. FLORIDA Bd. OF REGENTS*, 457  
 U.S. 496, 503 (1982).

8) THE CIVIL RIGHTS ACT OF 1871 GUARANTEES AGAINST  
 INVASION OF ONE'S FUNDAMENTAL RIGHTS BY THE STATES.  
 I.D. BY PROVIDING A FEDERAL REMEDY, CONGRESS HAD  
 OPENED THE FEDERAL COURTS IN RESPONSE TO THE  
 FAILURE OF STATES TO PROVIDE JUSTICE... *ALLEN*  
*V. McCURRY*, 449 U.S. 90, 111 (1980) (BLACKMUN  
 J., DISSENTING)... SEE *LYNCH V. HOUSEHOLD FIN.*  
*CORP.*, 405 U.S. 538, 543 (1972) (PREDECESSOR)  
 IN SECTION 1983 INTENDED TO PROVIDE FEDERAL  
 JUDICIAL FORUM.

9) STATE REMEDIES WERE UNSATISFACTORY BECAUSE  
 STATE COURTS WERE EITHER PREJUDICIAL OR INCAPABLE

Or Protecting Their Citizens Rights Blackman, Section 1983 And The Federal Protection Of Individual Rights - Will The Statute Remain Alive Or Fade Away?, 60 N.Y. U. L. Rev. 2, 5 (1985). ... See Note, The Civil Rights Act, Of 1871 - Continuing Vitality, 40 Notre Dame. L. Rev. 70, 74 (1964) (Claim Authorized Upon State Abuse Of Public Trust). ... See Also Globe Supra Note 2, At 321 (Remarks Of Rep. Stroughton) (State Authorities And Local Courts Are Unable Or Unwilling To Check The Evil Or Punish The Criminals); Id. At 374 (Remarks Of Rep. Lowe) ("Local Administration Have Been Found Inadequate Or Unwilling To Apply The Proper Corrective").

- 19) ... See *Burnett v. Groat*, 468 U.S. 42, 50 (1984) ... Civil Rights Actions, The Remedies Of Which Are Separate And Distinct From State Law, "Are Judicially Enforceable (In Federal Court) In The First Instance." Id. Section 1983 Was Intended To Throw Open The Doors Of The Federal Courts, Allowing Immediate Redress For Civil Rights Claimants ... *Patsy*, 457 U.S. At 504

(Quoting Cloze Supra Note 2, At 476)... See Webb v. Dyer County Bd. of Educ., 471 U.S. 234, 249 (1985) (Congress Intended To Enable Civil Rights Litigants To Proceed Expediently To Court); McCurry, 449 U.S. At 112 (Blackmun J. Dissenting) (Section 1983 Embodies Strong Congressional Policy That Federal Courts Are The Primary Arbiters Of Constitutional Rights)...

It Has Been Argued That Requiring Individuals To Exhaust Their Administrative Remedies Prior To Obtaining Access To Federal Courts Stands As An Obstacle To One's Direct Access...

11.) Patsy 457 U.S. At 509-10. The Act Has Been Interpreted As Providing A "Dual Or Concurrent Forums" In Both The Federal And State Courts; Making It Easier For The Plaintiff To Obtain Relief. Ind. At 506. Accord Maine v. Thiboutat, 448 U.S. 1, 3 n. 1 (1980) (Section 1983 Intended To Provide Concurrent Jurisdiction); ... Martinez v. California, 444 U.S. 277, 283 n. 7 (1980) (Same)...

12.) Therefore, The Application Of State Policies]

Restricting Remedies Against Public Officials To Section 1983 Action Has Been Regarded As A Frustration Of The Act's Objectives... Burnett, 468 U.S. At 55 n 18 ... See Globe, *Supra* Note 2, At 376 (Remarks Of Rep. Lowe) (Section 1983 Remedial Objective Is To Be Pursued Notwithstanding Any Provisions Of State Law To Contrary) ...

(13.) Federal Courts Have Dispensed With Certain State Procedural Requirements In Order To Serve The Purpose Behind Section 1983, ... See, e.g.; *Masette v. Connor*, 811 F.2d 1416, 1418 (11th Cir. 1987) (struck down requirement that plaintiff exhaust all other remedies before beginning Section 1983 action); *Ehlers v. City Of Detroit*, 614 F.2d 54, 56 (5th Cir. 1980) (Federal Courts Cannot Require Exhaustion In Section 1983 Action); *Mathias v. Milwaukee Dept. Of City Dev.*, 377 F.Supp. 497, 500 (E.D. Wis. 1974) (Same); *C.F. McDonald v. West Beach*, 466 U.S. 284, 290 (1984) (Section 1983 Enacted To Provide Judicial Proceeding To Protect Individuals Federal Statutory And Constitutional Rights

14) Federal Courts Have Generally Disallowed "Notice  
Of Claim" Provisions As An Unwarranted Pre-condition  
To Section 1983... Litigation... See, e.g.,  
Bonovan v. Reynolds, 433 F.2d. 738, 741-42  
(9th Cir. 1970) (Congress Did Not Intend To  
Adopt State Remedies Or Procedures When  
Determining Federal Rights)...

## II Parties In This Summons/ Suit/Claim:

### 15) Petitioners:

Ms. Belmon A. Wilson (Terminally Ill  
Senior Citizen - See Exhibits Born  
11-25-1954) & Se

Mr. Roberto V. Hamilton (War-time Veteran  
Born 01-17-1952) ... Senior Citizen

### 16) Defendants:

The New York City Police Dept. ... Ms. Wilson  
Was Taken To Brook-Dale Hospital In Brooklyn...  
By Fire Dept. Emt, Called By The Police Dept.  
Mr. Hamilton Was Taken To The 73rd Pct. In

In Brooklyn East New York Ave. And Rockaway Ave... And Held In Custody About Eight (8) hours... In Both Locations - The Hospital And The 73rd Det. NONE OF THE OFFICERS INVOLVED LEFT NO DOCUMENTATION OR WHO THEY WERE; NO RANKS; AND NO BADGE NUMBERS... AND THERE WAS NO COPY OF SEARCH WARRANT GIVEN TO PETITIONERS... THOUGH PETITIONERS REQUESTED FOR COPIES SEVERAL TIMES... SUPERVISORS LIABILITY (ET AL) - ALL NEW YORK CITY ADMINISTRATION - THE GOVERNOR; THE MAYOR; THE POLICE COMMISSIONER; THE DEPUTY POLICE COMMISSIONER; THE CAPTAINS; LIEUTENANTS; SERGEANTS; ET AL... AGAIN NO-ONE OF THE POLICE DEPT. WOULD LEAVE ANY DOCUMENTATION OR IDENTIFY THEMSELVES AT THE HOSPITAL - (BROOKDALE), OR AT THE 73rd DET IN BROOKLYN... NO-ONE WOULD PRODUCE - OR GIVE COPY OF SAID WARRANT TO NEITHER, MS. WILSON NOR MR. HAMPTON - (PETITIONERS)... THE SUPERVISOR LIABILITY IS IN EFFECT, BECAUSE AS SUPERVISORS THEY HAVE FULL KNOWLEDGE OF THE ACTIONS OF THEIR OFFICERS...

17.)

STATEMENT OF Suit/Claim:

I Rosendo V. Hamilton, the Petitioner, Depos. AND STATE, THAT ABOUT 8:30 P.M. IN THE EVENING OF, DEC. 15, 2017, I WAS IN MY BED-ROOM PREPARING TO WATCH A T.V. PROGRAM... WHEN I SUDDENLY HEARD A LOUD BOOM OUT OF NO-WHERE... AND MY FRIEND MISS BEINDA A. WILSON (PETITIONER), WAS SITTING AT THE KITCHEN TABLE... BY THE TIME I JUMPED OUT OF BED THE POLICE OFFICERS/SEARCH/SEIZURE TEAM WERE AT MY BED ROOM DOOR AND GUNS DRAWN & RED DOTS ALL OVER US... MISS WILSON IS A TERMINALLY ILL SENIOR CITIZEN'S WHOM I LOOK AFTER... SHE CAME TO MY SIDE AS THE OFFICERS PROCEEDED TO RUSH US WITH THEIR CRASH SHIELDS... I WENT IN BETWEEN MISS WILSON AND THE ON-COMING OFFICER, WHO YELLED "GET ON THE FLOOR", AT THE SAME TIME HITTING ME WITH THE SHIELD... I DID NOT GO DOWN AT FIRST, MORE CONCERNED FOR MISS WILSON... THIS TIME THREE (3) OF THE OFFICERS RENEWED THEIR ATTACK, WITH THEIR CRASH SHIELDS AND NOW TAKING OUT THEIR GUNS... (THE OFFICERS WHO WERE RUSHING WITH SHIELDS DID NOT HAVE THEIR GUNS DRAWN

(11.)

At First, Like Their Co-Officers Did... But This Time They Did... And The Red Dots Were Floating All-Over Our Bodies... They knocked Me Down Hard On To Dr. Miss Wilson, Injuring Her Leg, To The Point She Has To Be Taken To The Hospital By Ambulance... She Can't Not Walk... I Weigh About 240 Pounds... (See Exhibits) ... Condition Of Ms. Wilson Lee) ... Doctors At Brookdale Diagnosed Her At First As Having A Torn Ligament Which In All Probability Because Of Her Condition And Age She Will Always Have Issues... They kept Her Two (2) Days...

The Officers At This Point Hand-Cuffed Me And Stated They Had A Search-Warrant, Which I Was Not Allowed To View... I Asked For A Copy Of Said Warrant; The Officer Said I Would Get One... I Asked Why Did They Come To My Apt. I Have Been Living There For A Little Over Eleven (11) Yrs. And This Has Never Happened Before... Officers Stated, They Had A Warrant And That They Were Looking For Anything Illegal. I Asked Again why were they there... And Should Not A Warrant Be Specific... The Officers Stated

I HAD NOTHING TO WORRY-ABOUT. ... THEN THEY PROCEEDED TO TEAR MY PLACE APART...

THERE WERE APPROXIMATELY "16" OFFICERS OR MORE. ... I WAS TAKEN TO THE 73RD ST. HANDCUFFED AND I UNDERWENT ARREST PROCEDURES. ... THE REMOVING OF SHOE LACES + BELT - REMOVING OF STING OUT OF MY SWEAT PANTS. ... TAKING MY KEYS + I.D. ... HOWEVER NO FINGER-PRINTS OR PHOTO WAS TAKEN. ... THEY HELD ME INCARCERATED ABOUT SEVEN (7) TO EIGHT (8) HOURS. ... THEN RELEASED ME WITH NO CHARGES. ... NO NOTHING...

I ASKED AGAIN FOR A COPY OF THE WARRANT OFFICER STATED, A LIEUTENANT, THAT I WAS NO LONGER UNDER ARREST. ... THERE WERE NO CHARGES; AND THAT I WAS FREE TO GO. ... I ASKED ABOUT MS. WILSON, HE SAID SHE WAS FREE TO GO ALSO. ... BEING RELEASED FROM THE HOSPITAL. ... THE OFFICER A LIEUTENANT DETECTIVE, WHO WOULD NOT GIVE ME HIS NAME, WHEN I ASKED FOR A COPY OF THE WARRANT AGAIN, STATED, I DO NOT NEED A COPY BECAUSE THERE WAS NO FURTHER ACTION BEING CONTINUED AGAINST ME.

PRIOR TO THIS OFFICERS HAD STATED THEY HAD CONTACTED MY LANDLORD. ... LANDLORD STATED THIS NEVER HAPPENED. ... (SEE EXHIBIT )

When I Finally Arrived Home, Everything  
 Was Trashed... Some Of My Belongings Were  
 In The Hallway Wet And Stained All-over...  
 (It Snowed & Rained Heavy That Night)...  
 Heirlooms From My Grandmother Was Broken...  
 Stereo Was Broken... Again Clothes Books  
 And Furniture Was Left In The Hallway...  
 Soaked In Water... Things That I Could  
 Never Replace Were Destroyed... Front Door  
 Was Destroyed... Gifts That Were Sent To Me  
 From Other Countries Destroyed... I Collected  
 Antiques Mostly Given To Me By My Grandmother,  
 Great Grandmother, Mother... Books Destroyed  
 Left Soaking In Pools Of Water... And To  
 Date 'NO-END' WAS EVEN ATTEMPTED TO MAKE  
 SOME FORM OF RESTITUTION... And It Was By  
 THE GRACE OF "GOD" THAT I EVEN FOUND OUT  
 THAT THERE WAS A TIME LIMIT TO MAKE A CLAIM  
 OR I WOULD NOT BE ABLE TO... "How Can  
 This Be?" ...

I have Photos On My Cell Phone and I  
 Have Submitted Some To The Controllers  
 Office... Come To Find Out My Phone Got  
 Wet Too... However I Am Still ATTEMPTING

To download photos... But Photos Can Clearly Be  
 seen On The Cell Phone... Which I Will Submit...  
 The Dollar Value Is Hard To Place... These Items  
 Could Never Be Replaced... Where Would I Find  
 Them? Remember, I Am Sixty-Six (66) yrs.  
 Of Age... No Longer Am I A Spring Chicken  
 What Am I To Do... What Is Ms. Wilson To Do

18c) Petitioners Filed Three (3) "Notarized Notices"  
 Or "Agree Or Disagree" - As To The Actions Of  
 The New York City Police Department, Were They  
 Correct Or Not In Their Actions... All Notarized  
 Notices Were Hand Delivered To The New York City  
 Comptroller's Office... A Response Was To Be  
 Sent To Ms. Barbara Wilson; To Mr. Robert  
 Hamilton; And Due To The Notary... The Notarized  
 Notices, Were Dated, March 15, 2018; April 23, 2018;  
 And May 17, 2018;... The Notarized Notices  
 Clearly stated, That If They, (The New York City  
 Police Dept. Et Al) Could Not Deny That These  
 Actions Of The New York City Police Dept. Et Al  
 Were In Correct With Response Then They Were  
 In Agreement That Petitioners Were And Are  
 Clearly Entitled To Immediate Relief...

As Of To Date Defendants Never Responded.

19) However Attorneys At Law Russo & Toner LLC At 33 Whitehall Street, New York, New York 10004; Phone (212) 482-0011; Fax (212) 482-0021; [www.russotoner.com](http://www.russotoner.com). In A Letter Dated April 23, 2018, Sent To Ms. Wilson - CLAIM NO.: 2018P1008320 - R+T FILE NO.: 541.540 ... which states that Pursuant To Section 50-m Of The General Municipal Law (GML), Claimant Is Mandated By Law To Appear At The Following Location, At The Date And Time Specified, To Be Orally Examined Under Oath Relative To The Occurrence And Extent Of Injuries For Which The Above Claim Is Made:

TIME OF HEARING: 2:30 PM  
DATE: FRIDAY JUNE 8TH, 2018  
PLACE: 33 WHITEHALL ST. 16TH FL.  
New York, New York 10004

20) They Are Fully Aware That Ms. Wilson Is "HOME BOUND" ... Transportation Must Be Provided ... Also, They Have Copy Of The

Full Medical Records Provided By  
Brookdale Hospital...

We declare Under the Penalty  
Of Perjury that the foregoing is True  
And Correct...

Belinda A. Wilson

Ms. Belinda A. Wilson

Robert V. Hamilton

Mr. Robert V. Hamilton

Sworn To Before Me!

  
Notary

KATHERINE PROCHILLO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PR6170947  
Qualified in Nassau County  
My Commission Expires August 25, 2019

<sup>20</sup>  
"American Juris Prudence"

<sup>21</sup>  
"Illegal Search"

21.) - "Stenagala v. United States -

A) Absent Exigent Circumstances OR Consent,  
A Home May Not Be Searched Without Warrant.  
Concluding That A Search Warrant Must Be  
Obtained Absent Exigent Circumstances  
[457 U.S. 204, 206]

22.) Fourth Amendment To The U.S. Constitution

A) (Amendment IV) To The U.S. Constitution  
Prohibits Unreasonable Searches And  
Seizures. It Requires Gov. + Authorities  
Searches + Seizures To Be Conducted Only  
Upon Issuance Of A Warrant...

B) Common Law Contreary To The Gov. And Police  
Dept Assertion Does Not Furnish Precedent  
For Upholding The Search In Question But  
Rather Shows Little On The Narrow Issues

(18.)

prescribes or whether an arrest warrant, as opposed to a search warrant, is adequate to protect the IV Amer. Rights Interest of Person, Not Named In Warrant, when their home is searched without their consent and the absence of exigent [457 U.S. 204, 205] circumstances. Moreover, the history of the IV Amer. strongly suggest that its framers would not have the search in question.


23) The Fourth Amer. of the Constitution of the U.S. ensures that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized..."

"29 Am Jur 2d. EVIDENCE"  
Constitutional Law

23) Your Constitution Is An Iron Clad Contract  
ENFORCEABLE IN A COURT OF LAW:

THE U.S. CONSTITUTION, ARTICLE SIX (6) CLAUSE  
TWO (2): "... THIS CONSTITUTION, AND THE LAWS  
OF THE U.S. WHICH SHALL BE MADE IN PURSUANCE  
HEREOF AND ALL TREATIES MADE, OR WHICH SHALL  
BE MADE UNDER THE AUTHORITY OF THE U.S. SHALL  
BE THE — "SUPREME LAW OF THE LAND" —  
AND JUDGES IN EVERY STATE SHALL BE BOUND  
THEREBY, ANYTHING IN THE CONSTITUTION OR LAW  
OF ANY STATE TO THE CONTRARY NOTWITHSTANDING...

"U.S. CONSTITUTION BILL OF RIGHTS"  
"ARTICLE FOUR"

24)  THE RIGHT OF THE PEOPLE TO BE SECURE IN  
THEIR PERSONS, HOUSES, PAPERS, AND EFFECTS, AGAINST  
UNREASONABLE SEARCHES AND SEIZURES SHALL NOT  
BE VIOLATED; AND NO WARRANTS SHALL ISSUE BUT  
UPON PROBABLE CAUSE, SUPPORTED BY OATH OR  
AFFIRMATION, AND PARTICULARLY DESCRIBING THE  
PLACE TO BE SEARCHED, AND PERSONS OR THINGS TO  
BE SEIZED...

25) MARBURY V. MADISON : 5 U.S. 137 (1803)  
 "No Provisions Of The Constitution Is Designed  
 To Be Without Effect", Anything That Is In  
 The Constitution Is Null And Void Of Law", Clearly  
 For A Secondary Law To Come In Conflict With  
 The "Supreme Law" Was Illogical ; ...

26) For Certainly, The "Supreme Law" Would  
 Prevail Over All Other Laws And Certainly For  
 Founders Had Intended That The "Supreme  
 Law" Would Be The Basis Of All Law AND ANY  
LAW ~~TO~~ To Come In Conflict Would Be Null  
And Void Of Law, It Would BARE NO POWER  
 TO ENFORCE ; It Would BARE NO POWER TO  
 OBEY ; It Would Support As IF It Had NEVER  
 Existed, For Unconstitutionality Would Date From  
 The Enactment Of Such A Law, Not From The  
 Date So Granted In An Open Court Of Law, No  
 Courts Are BOUND TO OBEY It. It Operates  
 As A Near Nullity Or A Fiction Law".

IF ANY STATEMENT, WITHIN ANY LAW WHICH  
IS PASSED, IS UNCONSTITUTIONAL, THE WHOLE  
LAW IS UNCONSTITUTIONAL BY

— "MARBURY V. MADISON" —

( 21 )

Title 5 U.S. Code Sec. 556 (d)  
Sec. 557, Sec. 706

Courts lose Jurisdiction If They  
Do Not Follow Due Process Law.

Title 18, U.S. Code Sec. 2381 :

27.) In the Presence of Two or More Witnesses  
of the same Court Act, or In an Open  
Court of Law, You Fail to Timely Move To  
Protect And Defend the Constitution of the  
U.S. And Honor Your Oath of Office, You  
Are Subject To the Charge of "Capital  
Felony Treason".

AMERICAN JURISPRUDENCE Book 16  
Constitutional Law Section-16 AM JUR  
2d : 16 AM JUR-2d. Sec. 97:

28.) Then A Constitution Should Receive A  
Literal Interpretation In Favor Of The  
CITIZEN IS ESPECIALLY TRUE...  
With Respect To Those Provisions Which Was

(22.)

DESIGNED TO SAFEGUARD THE LIBERTY AND SECURITY OF THE CITIZEN IN REGARD TO PERSONS AND PROPERTY." BARY V. UNITED STATES - 273 U.S. 125 :

"ANY CONSTITUTIONAL PROVISION INTENDED TO CONFER A BENEFIT SHOULD BE LIBERALLY CONSTRUED IN FAVOR IN THE CLEARLY INTENDED AND EXPRESSLY DESIGNATED BENEFICIARY."

### DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

29) Section 242 OF THE TITLE 18 MAKES IT A CRIME FOR A PERSON ACTING UNDER COLOR OF LAW, ANY LAW, TO WILLFULLY DEPRIVE A PERSON OF A RIGHT OR PRIVILEGE PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED STATES...

30) FOR THE PURPOSE OF THIS SECTION 242, ACTS UNDER "COLOR OF LAW" INCLUDES ACTS NOT ONLY DONE BY FEDERAL, STATE, OR LOCAL OFFICIALS WITHIN THEIR LAWFUL AUTHORITY, BUT ALSO ACTS DONE BEYOND THE BOUNDS OF THAT OFFICIALS LAWFUL AUTHORITY, IF THE ACTS ARE

Done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute includes police officers, prison guard, and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus towards the race, color, religion, sex, handicap, familial status or national origin of the victim.

- 31.) The offense is punishable by a range of imprisonment up to life term, or the death penalty, depending upon the circumstance of the crime, and the resulting injury, if any.

Title 18, U.S.C. Section 242

- 32.) whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects

Any Person In Any State, Territory, Commonwealth, Possession, Or District To The Deprivation Of Any Rights, Privileges, Or Immunities Secured Or Protected By The Constitution Or Laws Of The United States ... Shall Be Fined Under This Title Or Imprisoned Not More Than Five Years, Or Both; And If Bodily Injury Results From The Acts Committed In Violation Of This Section Or If Such Acts Include The Use, Attempted Use Or Threatened Use Of A Dangerous Weapon, Explosives, Or Fire, Shall Be Fined Under This Title Or Imprisoned Not More Than Ten (10) Years, Or Both; And If Death Results From The Acts Committed In Violation Of This Section Or If Such Acts Include Kidnapping Or An Attempt To Kidnap, Aggravated Sexual Abuse, Or An Attempt To Commit Aggravated Sexual Abuse, Or An Attempt To Kill, Shall Be Fined Under This Title, Or Imprisoned For Any Term & Or Years Or For Life, Or Both, Or May Be Sentenced To Death...

"Supervisor Liability"

33) This Is An Action Under Civil Rights Act, 42 U.S.C. § 1983, And 28 U.S.C. § 1331, 1343 Bivens Action, Tort Claim, In The Nature Of Mandamus, Title B Case Sec. 2381, To Remove Justice On A Claim Of Official Conduct, That Was Gone So Far Beyond Any Rational Exercise Of Discretion, That It Is Outside The Letter And Spirit Of The Laws And Authority Granted; (Miller v Ackerman, C.A.8 (Neb.) 1973, 488 F.2d 920. Mandamus - Key - 72) ; And Further Violations Of Administrative Procedure Act, §§ 551 et. seq. And 701 et. seq. Of Title 5, Which Provides Relief Where A Clear Duty Is Owed The Petitioners And Where There Is Abuse Of Discretion. (Grant v. Hogan, (A-3 Pa.) 1979, 585 F.2d 1220. Administrative Law And Procedure - Key - 663; Federal Courts - Key - 11) ; Causing Violation Of Procedural Due Process And Deprivation Of Liberty, Prolonged Detention, Without "Probable Cause Or Conviction" ; A Clear Violation Of Constitutional Rights, In Petitioners Who Were Deprived Of Their

FREEDOM ... Without An Arrest ... Without Probable Cause ...

34) So, The Governor, The Mayor, The Police Commissioner, The Deputy Commissioner, The Captains, The Lieutenants, Lt #1 - "All" Fall Under The Scope Of Supervisory Liability, (And Any One That Was Missing), Because Of The Fact That As Supervisors They Have Full Knowledge Of These Vile Actions ... The Police Team Was A Full Complement Assault Team ... Approximately About Sixteen Or More Officers ... Surely The Organizing Of Such A Team With All The Accessories And Equipment Could Not Have Gone Unnoticed ... In Light Of These Actions, And Complete Disregard Of Their Administrative Duties Or Office, And To The Constitutional Laws Of The United States, Abusing Their Discretion And Acting Outside Limits Of Their Permissible Discretion, In Which Official Conduct Extended Beyond Any Rational Exercise Of Discretion; MANABUS AFFORDS APPROPRIATE JUDICIAL RELIEF (National Ass'n For Advancement Of Colored People v. Levi, D.C. D.C. 1976 418 F. Supp. 1109

( 27.5 )

Manuscripts in 1964... has no one  
 has even come to petitioners to offer some  
 semblance of compensation more Holy...  
 and you being threatened with guns, and  
 physically assaulted... an elderly lady  
 sixty-four (64) years of age, injured in the  
 process... whom they admitted they knew  
 was terminally ill... property destroyed  
 ... and all petitioners but is that "If  
 they not make a claim in Navy (90) says  
 they forfeit everything... their claim is  
 dismissed... it's unconscionable... It  
 shocks ones being... and the...  
 veteran... is that the kind of freedom I  
 almost gave my life for? ... so that these  
 in trusted official capacity could be <sup>so</sup> devoid  
 of any respect or consideration for and life...  
 and for the administration to turn a deaf ear  
 and blind eyes... and allow such vile actions  
 to continue... and further hoping it would  
 blow-over... they could not contact us  
 about the wanton destruction they have  
 done... but they could contact Mrs. Wilson  
 threatening her to come in to some

Kind of Tribunal to Question Her About Her Injuries in that Day... And they have the Medical Records of Brookdale Hospital... And they have all the other names who were involved... Knowing she is Home Bound, Transportation must be provided for her... They did not contact Mr. Hamilton... And they have having this Interrogation in their Offices... The Defendants Lawyers... With these Actions in Her Past can we really say that they are interested in Justice... or their own Interest... "Torrio"... This is clearly a disgusting affront to Society & Civilization as we know it... Shameless...

- 35) At All Times Mentioned In this Summary/claim/suit Each Defendant Acts Under the Color of State And Federal Laws So they States... Each Defendant Is Sued Individually And In His/Her Official Capacity... And Pursuant To the Notarized Notices they have already signed Petitioners are entitled to Relief... So why have they not made effort

To Come To Some Form Of Terms...

Petitioner Tells This Honorable Court  
Summons Defendants et al To Court To Answer  
To This Petition...

Rights Under The U.S. Const.  
From Deprivation Of Liberty

36) The Due Process Clause Of The V Amer. Of  
The United States Constitution Provides That "NO  
Person Shall Be Deprived Of Life, Liberty,  
Without Due Process Of Law."... U.S. Const.  
Amend. V. The Due Process Protections Of  
The Fifth Amendment Extends, Not Just To  
American Citizens, But To All Persons Within  
The Territory Of The United States... Wong  
Wong v. United States, 163 U.S. 228, 238  
16 S. Ct. 977 41 L. Ed. 140 (1896)...

37) The Due Process Clause Includes Two Types  
Of Protection, Substantive Due [17]  
Process And Procedural Due Process. Substantive  
Due Process Prevents Those In Official  
Capacity From Engaging In Conduct That

"shocks the Conscience", Or Interferes With Rights "Implicit In The Concept Of Ordered Liberty". It Is Well Established That "Freedom From Imprisonment Lies At The Heart Of The Liberty Clause, That It Protects... *United States v. Salerno*, 481 U.S. 739, 107 S. Ct. 2095, 95 L. Ed. 2d 967 (1987) ...

Notarized Notice Requesting  
Response Of Agree Or Disagree  
As To The Actions Of New York  
Police Dept. Violations

- 30) Petitioners Filed Three (3) "Notarized Notices" Of "Agree Or Disagree" - As To The Conduct And Actions Of The New York City Police Dept. Whether They Were Correct Or Not In Accord With The Statutes And Codes Of The "Supreme Law Of The Land" ... In Accord With Criminal Procedural Law Article 60 "Search Warrants" ... (see Exhibits "A" - "B" - "C") And In Accord With Petitioners Civil Rights Secured By The U.S. Constitution ...

39) The Notarized Notices Was Dated - One March 15, 2018 -; Two April 23, 2018 -; And Three - May 17, 2018; ... These Notarized Notices Were All Hand-Delivered To The New York Comptroller's Office, Charles Harris Associates, 1 Centre St. Room 1200; New York, N.Y. 10007-2341

40) The Notarized Notices Was Point Black Asking The City Administration Where The Offices In The "Right" Or "Wrong" ... And That If They Were In The "Right" Or "Wrong" To Please Send Us Their Response ... Within Thirty (30) Days ... Send One Response To Ms. Wilson ... One Response To Mr. Hamilton ... And One Response To The Notary ... The Notarized Notice Was Explicit. A Non-Response Was Deemed That This New York City Admin. The Comptroller's Office Is In Full Agreement With Petitioners Ms. Wilson And Mr. Hamilton, That They Were Entitled To Relief In Their Favor ... And That Petitioners Will Be Contacted Immediately By New York City Admins. (Comptroller)

As To Terms Of A Settlement...

41.) However this did not occur... So Petitioners sent two (2) more Noticized Notices... Hand Delivered With The Same Request... Asking When Are They Going To Make Good On The Settlement Offer... Instead, they have there lawyers send a correspondence on - DATED April 23, 2018, The Same Day The Second Noticized Notice was Hand Delivered To The Comptroller's Office... (See Exhibit "D")... (See Paragraph #19 Of This Brief)... Defendants Have The Resources To View Their Errors...

42.) The Defendants, New York City Police Dept. Et Al Are In Full Agreement Of The Judgment Granting Petitioners, Ms. Wilson And Mr. Hamilton, In The Their Favor, The 42 U.S.C. \*1983, 28 U.S.C. \*\*1331, 1334, Bureau Action, Tort Claim, And In The Nature Of Mandamus.

1.) That The Acts Omissions Described Herein Violates Ms. Wilson's And Mr. Hamilton's Human Rights

Under The Constitution And Laws Of The United States : U.S. Constitution, Article Six (6) Clause Two (2) : Am. Jur. "Stonewall V. United States" [457 U.S. 204, 206] : AMERICAN JURISPRUDENCE Book 16 : 2d. Sect. 97 : HAUBURY V. MADISON, 5 U.S. 137 (1803) : Title 18, U.S.C. Code Sec. 2381 : 29 AM JUR 2d. 6 Fourth AMEND. OF THE U.S. Constitution : Title 18, U.S.C. Section 242 : Act Of APR. 30, 1871, Ch 22 § 1117 Stat. 13 (CODIFIED AT 42 U.S.C. § 1983 (1982)) :

43) WHEREFORE THE PETITIONERS, Mrs. Selma H. Wilson, AND Mr. Robert V. Hamilton : PRAYS THIS HONORABLE COURT TO SUMMONS DEFENDANTS, THE NEW YORK CITY Police Dept., THE COMPTROLLER'S OFFICE, THE NEW YORK CITY Administration et al to Court and Answer To the Judgment Hereinwith and To Terms of A Settlement ...

44) As Pursuant To AMERICAN JURISPRUDENCE, In Liberty Deprivation Cases, The Set Cap Is One Million Six Hundred Thousand (\$1,600,000.00) Per Day...

45) Miss Wilson was Injured ... And She Was Deprived Her Freedom For Approximately Seven (7) To Eight (8) hours, Coupled With The Gross Violations As Mentioned Seven Hundred Thousands (\$700,000.00) Dollars Plus Mr. Hamilton - Seven Hundred Thousands (\$700,000.00) Dollars Plus Any Consequences ...

46) Petitioners Does Not Explicate The Further Adverse Psychological Experiences They Have Endured Due To This Shocking Acts, There Are Just No Words ... It Is Shameful ...

Wherefore, Petitioners Leave The Punitive Damages To Be Assessed By This Honorable Court ... And Any Additional Relief This Honorable Court Seems Just, Proper, And Equitable ...

We Declare Under The Penalty Of Perjury That The Foregoing Is True And Correct.

Belinda A. Wilson

Belinda A. Wilson

Robert V. Hamilton

Robert V. Hamilton

KATHERINE PROCHLO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PR6170947  
Qualified In Nassau County  
My Commission Expires August 25, 2019

Notary

United States District Court  
Southern District of New York  
State of New York Court  
Of Claims

Ms. Belinda A. Wilson  
Mr. Roberto V. Hamilton  
(Petitioners)

PRO-SE Litigants

V.

New York City Police Dept.  
et al  
DEFENDANTS

51)

WE, the Petitioners, Ms. Belinda A. Wilson,  
Mr. Roberto V. Hamilton, Request that these  
PROCEEDINGS BE REVIEWED UNDER THE LESSER  
STRINGENT STANDARDS FOR PRO-SE BRIEFS AS PER  
HANEY V. KERNER 5404 U.S. 519 [1978]  
[PRO-SE] LITIGANTS PLEADINGS ARE TO BE CONSTRUED  
LIBERALLY AND HELD TO LESS STRINGENT STANDARDS  
THAN PLEADINGS DRAFTED BY LAWYERS ]...

( 40.)

52)

1.) PETITIONERS HAS MADE REPORTED EFFORTS TO OBTAIN LAWYERS. TO NO AVAIL

2.) PETITIONERS ARE UNABLE TO AFFORD COUNSEL. THEY HAVE REQUESTED LEAVE TO PROCEED IN FORMA PAUPERIS.

3.) THE ISSUES IN THIS CASE INVOLVES THE U.S. CONSTITUTION IN AMEND; DEPRIVATION OF LIBERTY; FALSE ARREST; THE BILL OF RIGHTS ARTICLE FOUR, 29 AM JUR AD EVIDENCE, CONSTITUTIONAL LAW; U.S. CONST. ARTICLE SIX, CLAUSE 2; ABSENT EXIGENT CIRCUMSTANCES / CONSENT.

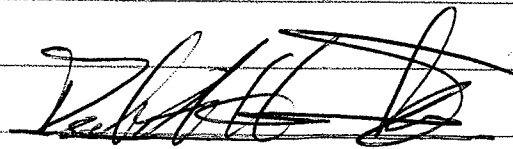
4.) PETITIONERS HAVE LIMITED KNOWLEDGE AND ACCESS OF THE LAWS.

WHEREFORE PETITIONERS, PRAYS AND REQUESTS THEIR PLEA/ARGUMENTS BE CONSIDERED LIBERALLY AND EXCEPTED.

WE DECLARE UNDER PENALTY OF PERJURY THE FORE-  
GOING IS TRUE AND CORRECT.

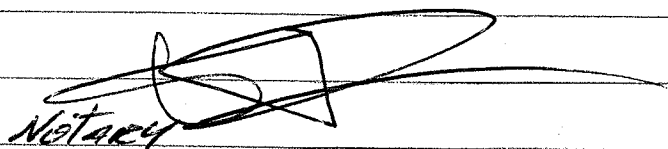
Belinda A. Wilson

Ms. Belinda A. Wilson



Roberto V. Hamilton

KATHERINE PROCHLO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PR6170947  
Qualified in Nassau County  
My Commission Expires August 25, 2019


  
Notary

53)


"Certificate Of Service"

We the Petitioners, Ms. Belinda A. Wilson, And  
Mr. Roberto V. Hamilton, Pro-Se, HEREBY CERTIFY THAT  
I, Roberto Hamilton HAND DELIVER TO THE PRO-SE OFFICE  
AT 500 Canal Street New York, N.Y. A COPY OF  
MRS 42 U.S.C § 1983, 28 U.S.C § 1331, 1343, BIVARA  
Action Tort Claim, Summons/suit/claim/ TO THE  
SAID ADDRESSEE.

Belinda A. Wilson  
Belinda A. Wilson

  
Roberto V. Hamilton

KATHERINE PROCHILLO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 81PR6170947  
Qualified In Nassau County  
My Commission Expires August 25, 2019

  
Katherine

Roberto V. Hamilton  
APT. 1 L  
147 SOMERS ST.  
BROOKLYN N.Y. 11233

(42)



THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
CLAIMS AND ADJUDICATIONS  
1 CENTRE STREET, ROOM 1200  
NEW YORK, N.Y. 10007-2341

WWW.COMPTROLLER.NYC.GOV

015 - 151

Scott M. Stringer  
COMPTROLLER

Date: 03/20/2018  
Claim No: 2018PI008319  
RE: Acknowledgment of Claim  
Your Claim/Policy#:

ROBERTO V HAMILTON  
147 SOMERS ST APT 1L  
BROOKLYN, NY 11233

Dear Claimant:

We acknowledge receipt of your claim, which has been assigned the claim number shown above. Please refer to this claim number in any correspondence or inquiry you may have with our office.

We will do our best to investigate and, if possible, settle your claim. However, if we are unable to resolve your claim, **any lawsuit against the City must be started within one year and ninety days from the date of the occurrence.**

If you have any questions regarding your claim, you may contact us at 212-669-2478 for claims involving personal injury.

Sincerely,

Bureau of Law & Adjustment

This form is unofficial and provided primarily for pro se litigants. It should be completed in accordance with the substantive pleading requirements of Court of Claims Act section 1106.

NYC COMPTROLLER  
BID. INFORMATION SYSTEMS  
CENTRAL IMAGING FACILITY  
RECEIVED

2018 MAR 16 P 1:37

State of New York  
Court of Claims

ROBERTO V. HAMILTON

Claimant(s)

New York City Police  
DEPARTMENT  
ET AL

Defendant(s)

Claim #  
201891008319

1. The post office address of the claimant (you) is 147 SOMERS ST.  
APT 1L - BROOKLYN N.Y. 11233

2. This claim arises from the acts or omissions of the defendant. Details of said acts or omissions are as follows (be specific): ON DEC. 15, 2017 AT APPROXIMATELY  
8:30 P.M. POLICE OFFICERS, SWAT TEAM, BROKE DOWN  
MY APT. DOOR... OFFICERS STATED THEY HAD SEARCH  
WARRANTS... AND FLASHED ME A PIECE OF PAPER  
WHICH I WAS NOT PERMITTED TO READ... OFFICERS  
STATED I WOULD BE FORWARDED A COPY...  
HOWEVER PRIOR TO HIS CONVERSATION, POLICE WAS ALREADY  
AT MY BED ROOM... AT WHICH POINT MR. BELINDA WILSON,  
A TERMINALLY ILL FRIEND, WHOM I HELP WAS RUSHING  
TO MY SIDE... I STEPPED IN BETWEEN OFFICERS AND  
HER... OFFICER RANED ME WITH SHIELDS PUSHING  
ME BACK BUT I DID NOT FALL... OFFICER GRABBED  
HIS SIDE ARM... AND THEN THERE WERE RED DOTS ALL OVER  
US... THIS TIME AT LEAST 3 OFFICERS RANED ME W/ IN  
SHIELDS KNOCKING DOWN ON TOP OF

(SEE ATTACHED)

3. The place where the act(s) took place is (be specific): 147 SOMERS ST.  
APT 1L - BROOKLYN, N.Y. 11233

4. This claim accrued on the 15 day of DECEMBER, 2017 at 8:30 o'clock.



New York City Comptroller  
Scott M. Stringer

Office of the New York City Comptroller  
1 Centre Street  
New York, NY 10007

### Insurance Information

Do you have insurance? ☐ Yes ☒ No  
Did you report your accident to your insurance company? ☐ Yes ☒ No  
Were you paid by your insurance company? ☐ Yes ☒ No  
Is payment pending? ☐ Yes ☒ No

Deductible Amount: \_\_\_\_\_  
Insurance Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Address 2: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Policy #: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Agent Name: \_\_\_\_\_

### City vehicle information

Plate #: \_\_\_\_\_  
City Driver Last Name: \_\_\_\_\_  
City Driver First Name: \_\_\_\_\_  
\*Total Amount Claimed: \_\_\_\_\_

Format: Do not include "\$" or ".".

Date

03/15/2018

Signature of Claimant

[Signature]

State of New York  
County of \_\_\_\_\_

I, Robert Hamilton, being duly sworn depose and say that I have read the foregoing NOTICE OF CLAIM and know the contents thereof: that same is true to the best of my own knowledge, except as to the matter here stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Signature of Claimant

[Signature]

Sworn before me this day

March 15, 2018

Signature of notary

[Signature]

**DAMARIS RODRIGUEZ-TORRES**  
Notary Public, State Of New York  
No. 01R06340594  
Qualified In Queens County  
Commission Expires 4/18/2020

State of New York

Courts of Claim

---

ROBERTO V. HAMILTON,

claimant,

REQUEST TO PROCEED

IN FORMA PAUPERIS

vs.

THE NEW YORK CITYU DEPT.

OF POLICE ... ET AL.,

Defendant

I, the petitioner, Roberto V. Hamilton, request that these proceed in Forma Pauperis and without being required to prepay fees or cost or given security. Petitioner states that because of his poverty he's unable to pay the cost of said proceeding or to give security thereof, and that he believes he is entitle to redress.

I am not employed ....

I am a Vietnam Veteran....

My only income is V.A. Pension ... \$1,089.00

per month ... I pay Rent, Light, and Gas I do not own House, Building, Stock, Bonds, Notes, Automobiles or other property...

I do not have any money, including any money in a checking or saving account.

The petitioner is indigent ... and literally barely makes it on his V.A Pension. His only sources of income ... He will require and this civil case.

State of New York  
Court of Claims

Roberto V. Hamilton  
(Claimant)

V.

New York City  
Police Department  
Et Al  
(Defendants)

Notice of Claim  
Complaint/Suit  
Under the Constitution  
Of the U. S.... Under  
The Civil Right Act,  
V2 U.S.C.1983...  
28 U.S.C. §1331,  
1343, Bivens Action  
Tort Claim in the  
Nature of Mandamus

Jurisdiction and Venue  
“Dual – Concurrent Jurisdictions”  
Notice is preempted for Civil Rights  
Action: Felder v. Casey

Section 1963 of Civil Rights Act; A successor of the of 1871, was Enacted in Response to a perceived unwillingness of states to protect their citizens rights. The statute provides direct access to a judicial forum to all individuals who claim their constitutional or others Federal Rights had been violated by persons action under color of states law.

42 U.S.C § 1983. The section provides: every person who, under color of any statute, or ordinance, regulation, custom, or usage, of any state of Terry Tory or the district of Columbia, subjects, of causes to be subjected, any citizen of the U.S. or other person within the Jurisdiction there of to the deprivation of any rights, privileges, or immunities secured by the constitution an laws, shall be liable to the party insured in an action at law, suit in equity, or other proper proceeding for redress. For the purpose of this section, any act of congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia Id.

Act pf Apr. 20, 1871, ch.22, § 1.17 Stat. 13 (codified at 42 U.S.C. § 1983 (1982)).

This act provided in pertinent Part: [A]ny person who, under color of any law statute, ordinance, regulation, custom; or usage of any statute, shall subject, or cause to be subjected, any privileges, or immunities secured by the constitution of the U.S., shall custom, or usage of the state to the contrary notwithstanding, be liable to the party insured in any action at law, suit in equity, or other proper proceeding for redress....

See Monroe v. Pape, 365 U.S. 167, 180 (1961), Overr'd on other grounds, Sub Nom, Moneo v Dept. of Social Services, 436 U.S. 658 (1978) ... Due to discrimination, enforcement of state law was questionable leading to federal legislation as a protective measure. Id. The states failure to address the protection of private rights led to the need for federal action Id. At 23 n 46.... Se also patsy v. Florida Bd. Of regents, 457 U.S. 496, 503 (1982).

Statement of Claim

I, Roberto V. Hamilton, the plaintiff, depose and state, that about 8:30 P.M. in the evening, on December 15, 2017, I was in my bed room preparing to watch a T.V. program ... When I heard out of Nowhere a loud boom...

And my friend Ms. Belinda Wilson was sitting at the kitchen table... By the time I jump out of my bed the police officers / SWAT Team were at my bed-room door... Now Ms. Wilson is a terminally Ill senior citizen ... Whom I look after...

she came to my side as the officers proceeded to rush is with the crash shields... I went in between Ms. Wilson and the on-coming officer, who yelled get on the floor... At the same time hitting me with the shield ... I did not go down at first more concerned foe Ms. Wilson...

This time three (3) of the officers renewed their attack with crash shield and now taking out their guns... Red Dots was floating all over bodies.... They knocked me down on top of Ms. Wilson injuring her leg, to the point she had to be taken to the hospital by ambulance ... She cold not walk ... Doctors at Brookdale Hospital diagnose her as having a torn ligament which will never heal... Because of her condition she will always have issues.

They hand-cuffed me, and states they had a search warrant, which I was not allowed to view... I ask for a copy officers responded that I would get one...

I was taken to the 73<sup>rd</sup> precinct... And underwent arrest, procedures.... I asked why was under arrest... No one answered me... I asked why did they come to my apartment ... They said they had warrant and that they were looking for anything illegal ... I told officers I had been living at this apartment for over 11 years... Nothing like this has ever happened before... I asked why are they here... I asked should not a warrant be specific ... Officers stated I had nothing to worry about. Then they proceeded to tear the place apart... They held me incarcerated about seven (7) hours ... No nothing.

I asked again for a copy of said warrant ... Officers stated, a Lieutenant, that I was no longer under arrest... There was no charges... Officer, a Lieutenant Detective, who would not give me his name, said I did not need it because there was action being continued against me ...

Prior to this officer stated that they who contacted my landlord ... Landlord said that no one contacted him from the police department...

When I finally arrived home, everything was trashed... Heirlooms from my grandmother was broken... Stereo was broken... Clothed and furniture was tossed and left in the hallway... soaked in water... Things that I could never replace was destroyed. Front door was destroyed... Gift that was sent to me form other countries, destroyed... I collected antiques... mostly given to me by my mother and grandmother... Given to her by her mother... Books destroyed ... Left soaking on pool of water...

Ms. Wilson stayed in hospital two (2) days...

I have photos on my cell phone... I will submit them... The dollar value is hard to place... Most of these items could never be replaced...

Therefore, plaintiff prays that this civil suit will be granted extreme prejudice in his favor... And abuse of such authority never occurs again ... Thereby setting a precedence, of severe penalty, especially to those in authority, that they are not above the constitution, federal, and state laws of these United States... That they cannot continue with these blatant arbitrary acts with impunity...

U.S Constitution Bill of Rights Article Four

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searched and seizures shall not be violated; and no warrants shall issue but upon probable cause. Supported by oath or affirmation and particularly describing the place to be searched, and persons or things to be seized...

Mar Bury v. Madison: 5 U.S. B7 (1803) "No provisions of the constitution is designed to be without effect". Anything that is in the constitution is null and void of law", clearly for secondary law to come in conflict with the "Supreme Law" was illogical;

For certainly, the Supreme Law would prevail over all other law and certainly our forefathers had intended that the Supreme Law would be the bases of all law and any law to come in conflict would be null in void of law, it would bare no power to enforce ; if would support as if it had never existed, for unconstitutionality would date form the enactment of such a law, not form the date so granded in an open court od law , no courts are bound to obey if. It operates as a near nullity or a fiction of law".

If any statement, within any law which is passed, is unconstitutional, the whole law is unconstitutional by – "Mar Bury v. Madison"—

Title 5 U.S. Code Section (d)

Sec. 557, Sec. 706

Courts lose jurisdiction if they do not follow due process law.

Title 18, U.S. Code Sec.2381:

In the presents of two or more witnesses of the same overt act, or in a open court of law, you fail to timely move to protect and defend the constitution of the U.S. and honor your oath of office, you are subject to the charge of "Capital Felony Treason".

American Jurisprudence Book 16

Constitute Law Section – 16 Am Jur.

2d: 16am Jur. 2d Sec. 97:

"Then a constitution should receive a literal interpretation in favor or the citizen is especially true...

### Illegal Search

#### American Juris Prudence:

- “STEAGALD v. United States – A.) Absent Exigent circumstance or consent, a home may not be searched without warrant ... Concluding that a search warrant must be obtained absent exigent circumstances [451 U.S. 204, 206].

#### Fourth Amendment to the U.S. Constitution

(Amendment IV) to the U.S. Constitution prohibits unreasonable searches and seizures. It requires Gov. + Authorities searches + seizure to be conducted only upon issuance of a warrant...

B.) Common Law, contrary to the Gov. and Police Dept. Assertion does not forwish precedent for upholding the search in question but rather sheds little on the narrow issue presented of whether an arrest warrant, as opposed to a search warrant, is adequate to protect the IV amendment Rights interest of person not named in warrant, when their home is searched without their consent and in the absence of exigent [451 U.S. 204, 205] circumstances. Moreover, the history of the IV amendment Strongly suggest that it's framers would not have the search in question.

The fourth amend. of the constitution of the U.S. ensures that “the right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to seized...

#### “29 Am Jur 2d. Evidence”

#### Constitutional Law”

Your constitution is and iron clad contract enforcement is a court of law:

The U.S. constitution, article six (6) clause 2: ... This constitution, and the law of the U.S. which shall be made in purchase thereof and all treaties made, or which shall be made under the authority of the U.S. shall be the – “Supreme law of the land”; and judges in every state shall be bound thereby, anything in the constitution or law or any state to the contrary notwithstanding...

Title 18, U.S. Code Sec. 2381:

In the presents of two or more witnesses of the same Overt Act, or in open court of law, if you fail to timely move to protect and defend the constitution of the duties states, and honor your oath of office, you are subject to the charge of capital felony treason:

Agree \_\_\_\_\_... Disagree \_\_\_\_\_...

American Jurisprudence Book 16: Constitutional Law Section – 16 AM Jur 2d:  
16Am. Jur.2d. Sec. 97:

“Then a constitution should receive a literal interpretation in favor of the citizen, is especially true... With respect to these provisions which were designed to safeguard the liberty and security of the citizen in regard to person property”. Bray v. United States – 273 U.S. 125:

Agree \_\_\_\_\_... Disagree \_\_\_\_\_...

Marbury v. Madison: 5 U.S. 137 (1803) “No provision of the constitution is designed to be without effect,” anything that is in the constitution is null and void of law,” clearly for a secondary law to come in conflict without the supreme law was illogical....

For certainly, the supreme law would prevail over all other laws and certainly our forefathers had intended the supreme law would be the bases of all law and any law to come in conflict would be null and void of law, it would have no power to enforce, it would have no power to obey, it would support as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an upon court or law; no courts are bound to uphold it, and no citizen are bound to obey if it operates as a near nullity or a fiction of law...If any statement within any law which is passed, is unconstitutional, the whole law is unconstitutional, the whole law is unconstitutional by – “Marbury v. Madison” –

“29AM Jur.2d Evidence” Constitutional Law”

Your constitution is an iron clad contract, enforceable is a court of law: ...

Agree \_\_\_\_\_... Disagree \_\_\_\_\_...

U.S. Constitution, Article Six, clause 2:

This constitution, and the law of the United States of America, which shall be made in purchase thereof and all treaties made, or which shall be made under the authority of the United States shall be the – “supreme law of the land”; and judges in every state shall be bound thereby, anything in the constitution or law of any state to the contrary notwithstanding....

American Jurisprudence – (Illegal Search)  
- “STEAGALD v. United States”-

- A. Absent exigent circummundane or consent, a home may not be searched without a warrant. Concluding that a searches warrant must be obtained absent exigent circumstances [451 us. 209, 206]

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Fourth amendment to the U.S. Constitution prohibits unreasonable searches and seizures. It requires gov. searches and seizures to be combusted only upon issuance of a warrant ...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Common law, contrary to the gov. assertion does not furnish precedent for upholding the search in question but rather sheds little on the narrow issue presented od whether as arrest warrant, as opposed to a search warrant, is adequate to protect the IV amendment rights interest of person not name in the warrant, when their home is searched without their consent and in the absent of exigent [451 U.S. 204, 205] circumstances... moreover the history of the IV amendment strongly suggests that it's framers would not have the search in question,

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

The fourth amendment of the constitution of United States ensurd that “the right of the people to be secure in their person, houses papers, and effects, against unreasonable searches and seizures shall not be violates, and no warrants shall issues, but upon probable cause, supported by oath of affirmation, and particularly describing the place to be searched, and the persons, or things to be seized...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Section 1983 of Civil Rights Act. 42 U.S.C. § 19853... The provider:

Every person who, under color od any statute, ordinance, regulation, custom, or usage, of any state or territory of the district of Columbia, subject, or causes to be subjected, any citizen of the United Stated or other persons within the jurisdiction thereof to me deprivation of any right, privileges, or immunities secured by the constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purpose of this section, any act of congress applicable exclusively to the District of Columbia shall be considered to be a statue of the District of Columbia.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Act of Apr 20, 18714, Ch. 22, § 1.17 Stat. 13 (codified at 42 U.S.C. § 1983 (1982))

This act provided in pertinent part: [A]ny person who, under color of any law, statute, ordinance, regulation custom; or usage of any state, shall subject, or cause to be subjected, any privileges, or immunities secured by the constitution of the United States, shall any such law, statute, ordinance, regulation custom, or usage of the state to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equality, or other proper proceeding for redress...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Title 10, U.S.C. Section 242:

Makes it a crime for a person acting under color of law, any law, to willfully deprive a person of a rights or privilege protected by the constitution or laws of the United States:

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

For the purpose of section 242, acts under" color of law" included acts not only done by federal, states, or local official within their lawful authority, but also acts done beyond the bounds of that official's lawful authority if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons action under color of law within the meaning of this statues includes, police officers, prison guards, and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. If is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial states or national origin of the victim.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Title 18, U. S.C Section 242:

Whoever, under color of law of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any state, territory, common wealth, possession, or district to the deprivation if any rights, privilege, or immunities secured of protected by the constitution or laws of the United States... Shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts includer the use, attempted use our threatened use of a dangerous weapon, explosive, or fire, shall be fines under this title or imprisoned not more than ten years, or both; ... And in death results from the acts committed in violation of this section or such acts include kidnapping, or an

attempt to kidnap; aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or attempt to kill, shall be fined under this title, or imprisoned for any terms of years, or for life. Or both, or may be sentenced to death...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Plaintiff, Roberto V. Hamilton, should have been given a copy of search warrant...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Plaintiff, Roberto V. Hamilton, should have signed receipt that he received copy thereof, and that police officers furnished said copy or warrant...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Plaintiff, Roberto V. Hamilton, pointedly requested sexual times for copy of said search warrant... Even at 73<sup>rd</sup> percent, upon entry into jail cell ... and upon release seven (7) hours later... plaintiff was denied copy of said warrant and never received one... Plaintiff, Mr. Roberto V. Hamilton believe this to be a violation of procedural due process rights, and clearly fourth amendment and a host of other right.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

#### American Jurisprudence:

Due to the fact that no-one can place a price on one's life, nor ever retrieve those lost moments in life ... 'Ever'!...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Pursuant to American Jurisprudence, in severe liberty deprivation cases, in severe liberty deprivation cases, the set cap is "\$1,600,000.00 (One million six hundred thousand dollars per day); ...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Conclusion:

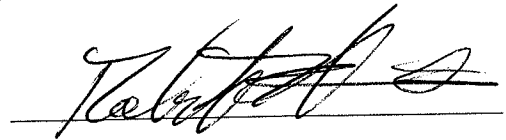
Plaintiff, Mr. Roberto V. Hamilton, is a sixty-six (66) years of age Vietnam Veteran ... And has lived at his current address 147 Somers Street apt 1L for a little over eleven (11) years without such an incident...Ever, ...

Wherefore plaintiff prays a judgement granting his 42 U.S.C \* 1983, 28 U.S.C \*\* 1331, 1334, Bivens action, tort claim, and in the nature of mandamus:

- 1.) A declaration that the acts omissions described here in violated Mr. Hamilton human rights under the constitution and laws of the United States: U.S. Constitution, article six (6) clause 2: A. Jur. STEAGALD v. United States" [451 U.S. 204; 206: American jurisprudence book 16: 2d. Sect. 97: Marbury v. Madison, 5 U.S.137 (1803): Title 18, code sec. 2381: 29 AM. Jur. 2d: Fourth Amendment of the constitution: Title 18, U.S.C. section 242: Act of Apr. 20, 1871, Ch. 22, § 1983 (1982).
- 2.) A preliminary and permanent injunction ordering defendants -Et Al...
  - (A.) To provide amendments thousand dollars (\$700,000.00), Plus other covetous... as pursuant to am.jur.pro.
  - (B.) Honor the statutes + Codes of constitution of the United States of America ....

Further plaintiff, Mr. Roberto V. Hamilton, does not explicate the further detrimental experiences he has incurred due to this unconscionable erroneous acts of blatant abuse of authority + powers...

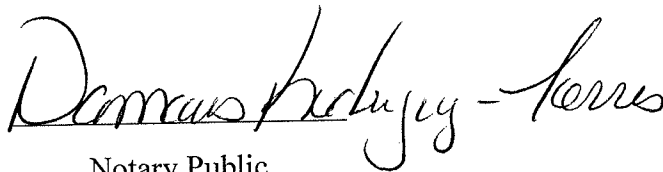
I declare under the penalty of perjury that the foregoing is true and correct...



Roberto V. Hamilton

Sworn to before me *15<sup>th</sup> day*, on this *March, 2018*

Date. *03/15/2018*



Notary Public

Forward response to:

Roberto V. Hamilton

147 Somers Street Apt.1L

Brooklyn, NY 11233

**DAMARIS RODRIGUEZ-TORRES**  
Notary Public, State Of New York  
No. 01R06340594  
Qualified In Queens County  
Commission Expires *4/18/2020*

The Civil Right Acts of 1871 guaranteed against invasion of one's fundamental rights by the states. *Id.* By providing a federal remedy, congress had opened the federal courts in response to the failure of states to provide justice. *Allen v. Mc Curry*, 449 U.S. 90, 111 (1980) (Blackmun J., Dissenting) ... See *Lynch v. Household Fin. Corp.* 405 U.S. 538, 543 (1972) Pre-Decessor of Section 1983 Intended to Provide Federal Judicial (Forum):

States remedies were unsatisfactory because state courts were F, there prejudicial or incapable of protecting their citizens rights. Blackmun, section 1983 is the federal protection of individual rights – will the statue remain alive or fade away? 60 N.Y.V.L. Rev. 1,5 (1985) .... See note, the Civil Rights Act, of 1871 – continue vitality, 40 Notre Dame. L. Rev. 70, 74 (1964) (claim authorized upon state abuse of public trust) .... See also globe, supra note 2, at 321 (remakes of rep. Stoughton) (state authorities and local courts are unable or unwilling to check the end or punish the criminals); *Id.* At 374 (remarks of rep. Lowe) (“Local Administration have been found inadequate or unwilling to apply the proper corrective).

...See *Burnett v. Grattan*, 468 U.S. 42, 50 (1984) ... Civil Right Actions, the remedies of which are separate and distinct from state law, “are judicially enforceable (In federal court) in the first instance.” *Id.* Section 1983 was intended to throw open the doors of the federal courts, allowing immediate redress for civil right claimants.... *Patsy*, 457 U.S. at 504 (Quoting Globe supra note 2, at 476) .... see *Webb v. Dyer county Bd. of EDVC.*, 471 U.S. 234, 249 (1985) (Congress intended to enable civil rights litigants to proceed expeditiously to court); *McCurry*, 449 U.S. at 112 (Blackmun, J. Dissenting) (Section 1985 embodies strong congressional policy that federal courts are primary arbiters of constitutional fights) ...

It has been argued that requiring individuals to exhaust their administrative remedies prior to distaining access to federal courts stands as an obstacle to one's direct access....

Pasty 457 U.S. at 509-10. The Act has been interpreted as providing a “Dual or concurrent forums” In both the federal and state courts; making it easier for the plaintiff to obtain relief. *Id.* At 506. Accord *Maine v. Thiboutat*, 448 U.S. 1,3 n. 1 (1980) (section 1983 intended to provide concurrent jurisdiction); ... *Martinez v. California*, 444 U.S. 277, 283 n.7 (1980) (Same)....

Therefore, the application of state polic[ies] restricting remedies against public officials to section 1983 action has been regarded as a frustration of the acts objectives... *Burnette*, 468 U.S. at 55 n 18. ... see globe, supra note 2, at 376 (remarks of rep. Lowe) (section 1985 remedial objective is to be pursued notwithstanding any provisions of state law to contrary) ...

Federal courts have dispensed with certain state procedural requirements in order to serve the purpose behind section 1983, ... see eg; *Majette v. Connor*, 811 F.

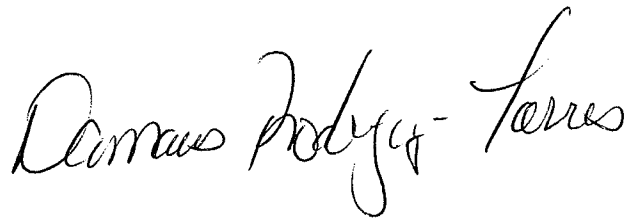
2d 1416, 1418 (11<sup>th</sup> Cir. 1987) (struck down requirement that plaintiff exhaust all other remedies before beginning section 1983 action) Ehlers v. City of Denature, 614 F.2d 54, 56 (5<sup>th</sup> Cir. 1980) (Federal courts cannot require exhaustion in section 1983 action); Mathias v. Milwaukee Dept. of City DEV., 377 F. Supp. 497, 500 (E.D. Wic. 1974) (Same); C.F. McDonald v. West Branch, 466 U.S. 284, 290 (1984) (Section 1983 enacted to provide judicial proceeding to protect individuals federal statutory and constitutional right).

Federal courts have generally disallowed "Notice of Claim" provisions as an unwarranted precondition to section 1983.... Litigation... See, e.g., Donovan v. Reinbold, 433 F. 2d 738, 741-42 (9<sup>th</sup> Cir. 1970) (congress dis not intend to adopt state remedies or procedures when determining federal rights).

03/15/2018



Roberto Hamilton



**DAMARIS RODRIGUEZ-TORRES**  
Notary Public, State Of New York  
No. 01R06340594

Qualified In Queens County  
Commission Expires 6/18/2020

With respect to those provisions which was designed to safeguard the liberty and security of the citizen in regard to person and property”. Bray v. United States – 273 U.S. 125:

“Any Constitutional provision intended to confer a benefit should be liberally construed in favor in the clearly intended ad expressly designated beneficiary.

#### Deprivation of Rights Under Color of Law

Section 242 of the title 18 makes it a crime for a person acting under color od law, any law, to willfully deprive a person of a right of privilege protected by the constitution or laws of the United States.

For the Purpose of section 242, acts under “Color od Law” Includes acts not only done by federal, state, or local official within their lawful authority, but also acts done beyond the bounds of that official’s lawful authority, if the acts are done while the official is purporting to of pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of his statute includes police officers, person guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It s not necessary that the crime be motivated by animus towards the race, color religion, sex, handicap, familial statues or national design of the victim.

Ten offenses is punishment by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

#### Title 18, U.S.C. Section 242

Whoever, under color of any law, statue, ordinance, regulation, or customs, willingly subjects any person in any state, territory, commonwealth possession, or district to the deprivation of any right, privileges, or immunities secures or protected by the constitution or laws of the United States.... Shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts included use of a dangerous weapon, explosives, or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or attempt to kidnap, aggravated serval abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or life, or both, or may be sentenced to death...

### Supervisor Liability

This I san action under Civil Rights Act, 42 U.S.C § 1983, and 28 U.S.C & 1331, 1343, Bivens Action, tort claim, to render justice on a claim of official conduct, that has gone so far beyond any rational exercise of discretion, that if is outside the letter and spirit of the laws and authority granted; (Miller v. Ackerman, C.A.8 (Neb.) 1973, 488 F.2d 920. Mandamus of administrative procedure act, \*\*551 et. Ser. And 701 et. Seq. of Title 5, which provided relief only where a clear duty is owed the petitioner and or where is abuse of discretion. (Grant v. Hogan, C.A.3 (PA.) 1974, 505 F.2d 1220. Administrative law and procedure ~Key~663; Federal courts ~Key~ 11); causing violation of procedural due process and deprivation of liberty, prolonged detention, without “probable cause, or conviction”.; a clear violation of constitutional right, on plaintiff, who was deprived his freedom... without an arrest.... Plaintiff is “Sixty-Six (66) years of age...:

So, the Governor, the Mayor, the Police Commissioner, the Deputy Commissioner, the Captains, the Lieutenants, Et Al— “All”— fall under the scope of supervisory liability, (and any one that was missed), Because of the fact that as supervisors they have full knowledge of these vile action... The police team was a full compliment assault team... Approximately about sixteen (16) officers or more ... Surely the organizing of such a team, with all the excessories and equipment could not have gone unnoticed...In light of these action, and complete disregard of their administrative duties of office, and to the constitutional law of the United States, abusing their discretion and acting outside limits of their permissible discretion, in which official conduct extended beyond any rational exercise of discretion, mandamus affords appropriate judicial relief. (National Ass’n for Advancement of Colored People v. Levi, D.C.D.C, 1976 418 F. Supp. 1109. Mandamus ~Key~64.... And no one has even came to plaintiff to offer some semblance of compensation and apology... Mind you being threaten with guns, physically assaulted... And elderly lady, sixty-four (64) Years of age, injured in the process... whom they admitted to know she was at ready terminally ... property destroyed... And all plaintiff gets is that “If a notice of claim is not filed in ninety (90) days their claim id dismissed”. It’s unconscionable ... It shock one’s being...’That those in trusted official capacity could be so devoid of any consideration, or respect for and of life” ... And to turn a deaf ear blind eyes and allow such vile Actions to continue .... As we come to know it...

At all-time mention in this complaint each defendant acted under the color of state and federal law...So they stated....

Rights Under the U.S. Constitution and from Deprivation of Liberty:

The due process clause of the fifth amendment of the United States Constitution provides that "[N]o person shall... be deprived of life, liberty, without due process of law" ... U.S. constitution amendment v. The Due Process Protections of the Fifth Amendment extend, not just to American citizen, but to all persons within the territory of the United States... *Wong Wing v. United States*, 163 U.S. 228, 238 16 S. Ct. 977 41 L. Ed. 140 (1896) ...

The due process clause includes two types of protection, substantive due [\*17] process and procedural due process, substantive due process prevents these in conduct that "shocks the conscience" or interferes with right "implicit in the concept of ordered liberty". It is well established that "Freedom from imprisonment lies at the heart of the liberty that clause protects... *United States v. Salerno*, 481 U.S. 739, 107 S. Ct. 2095, 95 L. Ed.2d 967 (1987) ...

Criminal Procedure Law

Title "T"— Procedures for securing evidence by means of court order and for suppressing evidence unlawfully or improperly obtained

Article 690- Search Warrants

Notice: Is now given requesting that agreement or disagreement response be made to each item presented... disagreement must be explicit and in corroborate with statutes and codes of the "Supreme Laws of the Land of these here United States of America". Items by item... Notice is given of a response within thirty (30) days from date of the notice... No response is deemed that this administration of New York City and State is in full agreement with plaintiff, Mr. Roberto V. Hamilton, in his favor... And that plaintiff will be immediately contacted by this administration of New York City and State, for the settling forms of agreement states, forthwith, ... One (1) response will be sent to plaintiff... and one (1) to notary...:

Article 690-Search Warrants:

- 1.) Under circumstances prescribed in this article, a local criminal court may, upon application of a police officers, a district attorney or other public servant acting in the course of his official duties, issue a search warrant...

Yes \_\_\_\_\_ .... No \_\_\_\_\_...

- 2.) A search warrant is a court order and process directing a police officer to conduct a search of designated premises, or of a designated vehicle, or of a designated person, for the purpose of seizing designed property or kinds of property, and to deliver any property so obtained to the court which issues the warrant...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_...

A.) Was any property seized ... was warrant issued?

Yes \_\_\_\_\_ .... No \_\_\_\_\_...

Section 690.10: Search warrants; property subject to seizure there under:

Personal property is subjected to seizure pursuant to a search warrant if there is reasonable cause to believe that if:

- 1) Is stolen: or
- 2) Is unlawfully possessed: Or
- 3) Has been used, or is possessed for the purpose of being used, to commit or conceal the commission of an offense: or
- 4) Constitutes evidence or tends to demonstrate that an offense was committed or that a particulate person participated in the commission of an offense:

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Section 690.15: Search Warrants what and who are subject to search thereunder:

1. A search warrant must direct a search of one or more of the following:

a) A designated or describes place or premises;

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

b) A designated or describe vehicle, as that term is defined in 100.00of penal law;

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

c) A designated or describe person.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

2. A search warrant which directs a search of a designated or described place, premises or vehicle, may also direct a search of any person present thereat or therein...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Section 690.20: Search Warrants; Where Executable

- 1.) A search warrant issued by a district court, the New York City criminal court or a superior court judge sitting as a local criminal court may be executed pursuant to its terms anywhere in the state.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

- 2.) A search warrant issued by a city court, a town court or a village court may be executed pursuant to its terms only in the county of issuance or an adjoining county.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Section 690.25 Search warrants; to whom addressable and by whom executable:

- 1.) A search warrant must be addressed to a police officer whose geographical area of employment embraces or is embraced or partially embraced by the county of issuance. The warrant need not be addressed to a specific police officer but may be addressed to any police officer of a designated classification, or to any police officer of any classification employed or having general jurisdiction to act as a police officer in the county.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

- 2.) A police officer to whom a search warrant is addressed, as provided in subdivision one, may execute it pursuant to its terms anywhere in the county of issuance or an adjoining county, and he may execute it pursuant to its terms in any other county of the state in which it is executable if (a) his geographical area of employment embraces the entire county of issuance or (b) he is a member of the police department or force of a city located in such county of issuance.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Section 690.30 Search warrants; when executable:

- 1.) A search warrant must be executed not more than ten days after the date of issuance and must thereafter be returned to the court without unnecessary delay.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

- 2.) A search warrant may be executed on any day of the week. It may be executed only between the hours of 6:00 A.M. and 9:00 P.M., unless the warrant expressly authorizes execution thereof at any time of the day or night, as provided in subdivision five of section 690.45.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Section 690.35 Search warrants; the application:

- 1.) An application for a search warrant may be in written and it must be made, subscribed and sworn to by a public servant specified in subdivision one of section 690.05.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

- 2.) The application must contain:

(A.) The name of the court and the name and title of the applicant; and

(B.) A statement that there is reasonable cause to believe that property of a kind or character described in section 690.10 may be found in or upon a designated or described place, vehicle or person;

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

(C.) Allegations of fact supporting such statement. Such allegations of fact may be based upon personal knowledge of the applicant or upon information and belief, provided that in the latter event the sources of such information and the grounds of such belief are stated. The applicant may also submit depositions of other persons containing allegations of fact supporting or tending to support those contained in the application;

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

(D.) A request that the court issue a search warrant directing a search for and seizure of the property or person in question; and

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

- 3.) The application may also contain:

(A.) A request that the search warrant be made executable any time do the day or night, upon the grounds that there is reasonable cause to believe that ... (1) if cannot be executed between the hours of 6:00 A.M. and 9:00 P.M., or (2) the property sought will be removed or destroyed if not seized forthwith...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

(B.) A request that the search warrant authorize the executing police officer to enter premises to be searched without giving notice of his authority and purpose, upon the ground that there is reasonable cause to believe that (1) the property sought may be easily and quickly destroyed or disposed of, or (2) the giving of such notice may endanger the life or safety of the executing officer or another person.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Any request made pursuant to this subdivision must be accompanied and supported by allegations of fact of a kind prescribed in paragraph (c) of subdivision two.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Section 690.40: Search Warrants Determination of Application:

- 1.) In determining an application for a search warrant the court may examine, under oath, any person whom it believes may possess pertinent information. Any such examination must be either recorded or summarized on the record by the court.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

- 2.) If the court is satisfied that there is reasonable cause to believe that property of a kind or character referred to in section 690.10, and described in the application, may be found in or upon the place, premises, vehicle or person designated or described in the application, it may grant the application and issue a search warrant directing a search of the said place, premise, vehicle or person abs a seizure of the describes property. If the court is further satisfied that grounds, described in subdivision three of section 690.35, exist for authorizing the search to be made any hour of the day or night, or without giving notice of the police officer's authority and purpose, it may make the search warrant executable accordingly.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Section 690.45: Search Warrants; Form and content

- 1.) The name of the issuing court and the subscription of the issuing judge;
- 2.) The name, department or classification of the police officer to whom it is address;
- 3.) A description of the property which is the subject if the search;
- 4.) A designation or description of the place, premise or person to be searched, by means of address, ownership, name or any other means essential to identification with certainty;

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

- 5.) A direction that the warrant be executed between the hours of 6: A.M. and 9:00 P.M. or, where the court has specially so determined, an authorization for execution at any time of the day of night;
- 6.) An authorization, where the court has specially so determined, that the executing police officer enter the premises to be searched without giving notice of his authority and purpose;

- 7.) A direction that the warrant and any property seized pursuant there to be returned and delivered to the court without unnecessary delay...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Section 690.50: Search Warrants execution there of:

- 1.) In executing a search warrant directing a search of premises or a vehicle, a police officer must, except as provided in subdivision two, give, or make reasonable effect to give, notice of his authority and purpose to an occupant thereof before entry and show him the warrant or a copy thereof upon request.:

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

If he is not thereafter admitted, he may forcibly enter such premise or vehicle and may use against any person resisting his entry or search there of as much physical force, other than deadly physical force, as is necessary to execute the warrant; and he may use deadly physical force if he reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force...

- 2.) In executing a search warrant directing a search of premises or a vehicle, a police officer need not give notice to anyone of his authority and purpose, as prescribed in subdivision one, but may promptly entre the same if:
- (a) Such premises or vehicle are at the time unoccupied or reasonable believed by the officer to be unoccupied;
  - (b) The search warrant expressly authorizes entry without notice:

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

- 3.) In executing a search warrant directing or authorizing a search of a person a police officer must give or make reasonable effort to give, such person notice od his authority and purpose and show him the warrant od a copy thereof upon request.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

- 4.) Upon seizing property pursuant to a search warrant, a police officer must write and subscribe a receipt itemizing the property taken and containing the name of the court by which the warrant was issued....

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

If property is taken from a person, such receipt must be given to such person. If property is taken from premises or vehicle, such receipt must be given to the owner, tenant or other person in possession thereof if he is present; or if he is not, the officer must leave such a receipt in the premises or vehicle form which the property was taken:

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

- 5.) Upon seizing property pursuant to a search warrant, a police officer must without unnecessary delay return to the court the warrant and the property, and must file there with a written inventory of such property, subscribed and sworn to by such officer...

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

Section 690.55: Search Warrants; Disposition of seized property:

- 1.) Upon receiving property seized pursuant to a search warrant, the court must either:
- (a) Retain it in the custody of the court pending further disposition thereof pursuant to subdivision two or some other provision of law; or
  - (b) Direct that it be held in the custody of the person who applied for the warrant, or of the police officer who executed it, or of the governmental or official agency or department by which either such public servant is employed, upon condition that upon order of such court such property be returned thereto or delivered to another court.

Agree \_\_\_\_\_ ... Disagree \_\_\_\_\_ ...

- 2.) A local criminal court which retains custody of such property must, upon request of another criminal court in which a criminal action involving or relating to such property is pending, cause it to be delivered thereto...

MUST HAVE MS. DANABAZA  
 NOTARIZE THIS COPY  
 ORIGINAL NOTARIZED ON  
 APRIL 21, 2018

State Of New York  
 Court Of Claims +  
 Federal Court

ROBERTO V. HAMILTON  
 BELINDA A. WILSON  
 (CLAIMANTS)

V.

New York City Police  
 Department +  
 ET AL  
 (DEFENDANTS)

"ADDENDUM -

NOTICE OF CLAIM

/Sgt / Mr. ROSE

THE CONSTITUTION OF

THE U.S.A. ...

UNDER THE CIVIL 1983

RIGHTS ACT V. 2,

U.S.C. § 1331, 1343

GRANTS ACTION TORT

CLAIM IN THE NATURE

OF MANDAMUS ...

NYC CONTROLLER  
 BUR. INFORMATION SYSTEMS  
 CENTRAL IMAGING FACILITY  
 RECEIVED

2018 APR 23 P 3:44

CLAIM NO.:	2018P1008319
	2018P1008320

"ADDENDUM NOTICE": IN AGREEMENT  
OF DISAGREEMENT "RESPONSE" TO "THE SUPREME  
 LAWS OF THE LAND OF THESE FREE UNITED STATES  
 OF AMERICA" ... ITEM BY ITEM WITHIN THE  
 THIRTY (30) DAYS PERIOD ... AS IT APPLIES TO  
 CLAIMANTS, STIPULATED IN "STATEMENT OF CLAIM"  
 BRIEF ON PAGE NO. SEVEN (7) ... TITLED  
 "ARTICLE 690 - SEARCH WARRANTS" ... "NOTICE":

"Response" was to be sent to claimants Ms. Belinda A. Wilson, ... Mr. Roberto V. Hamilton, ... And to Notary MRS. DAMARIS RODRIGUES-TORRES, State Of New York NO. 01206340594, Qualifies In Queens County Commission... Expires 4/18/2020 ...

No Response Is Deemed That Defendants, New York City Police Department, Et AL, Is In Full Agreement In Favor Of The Claimants ... Ms. Belinda A. Wilson, ... And Mr. Roberto V. Hamilton ... And That Defendants Et AL Will Immediately Contact Claimants Forthwith, As To The Redress Of The Severe Violations, Under Color Of Law Of Their Civil Rights 42 U.S.C. § 1983 ... And Of Settlements Of Seven Hundred Thousand Dollars (\$700,000.00) Per Claimant ...

The Thirty (30) Days Response Notice Was Up As Of April, 15, 2018 ... Claimants However, Has Waited Till March, 2018 Before Sending Another Notice Seeking Redress Of Claim ...

"Notice" : Of A Response Within Fourteen

(14) DAYS OF DATE OF THIS ADDENDUM  
 NOTICE IS NOW GIVEN TO NEW YORK CITY  
 POLICE DEPARTMENT ET AL AS TO THE  
 IMMEDIATE RESPONSE AND SETTLEMENT OF  
 CLAIMS BY CLAIMANTS MS. BELINDA A.  
 WILSON, AND MR. ROBERTO V. HAMILTON.

AGAIN, RESPONSE IS TO BE FORWARDED,  
 PLEASE, DUE TO MS. BELINDA A. WILSON...  
 DUE TO MR. ROBERTO V. HAMILTON... AND  
 DUE TO NOTARY... WHO SERVES AS WITNESSES  
 TO PROPER RESPONSE... MS. DAMARIS  
 RODRIGUES-TORRES, NOTARY PUBLIC, STATE OF  
 NEW YORK - NO. 01206340594... QUALIFIED  
 IN COUNTY OF QUEENS...

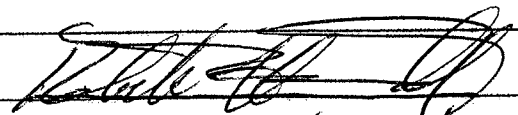
THE GLATANT VIOLATIONS OF THE CLAIMANTS  
 RIGHTS, UNDER THE COLOR OF LAW, THE U.S.  
 CONSTITUTION BILL OF RIGHTS ARTICLE FOUR - THE  
 RIGHTS OF THE PEOPLE TO BE SECURE IN THEIR  
 PERSONS, HOUSES, PAPERS, AND EFFECTS AGAINST  
 UNREASONABLE SEARCHES AND SEIZURES, AND  
 DESTRUCTION OF PROPERTY AND HOME... (HOME  
 TRASHES), ABSENT EXIGENT CIRCUMSTANCES OR  
 CONSENT, WITHOUT WARRANT... DEPRIVED OF  
 THEIR LIBERTY... "STEAGALS V. UNITED STATES

[45] U.S. 204, 206 ] i.e., Deprivation Of Rights Under Color Of Law - Section 242 Of THE TITLE 18 Makes It A Crime For For A Person Acting Under Color Of Law, Any Law, To Willfully Deprive A Person Of A Privilege, Right, Protected By The Constitution Or Laws Of The United States... Also Includes Acts Not Only Done By Federal, State, Or Local Official Within Their Lawful Authority, But Also Acts Done Beyond The Bounds Of That Official's Lawful Authority.

Wherefore, the Claimants Pray That Defendants Respond Expeditiously, Without Any Further Delays Or Robberies...

Thank You

I Declare Under The Penalty Of Perjury The Foregoing To Be "True And Correct"...

  
Roberto V. Hamilton

Notary

Belinda A. Wilson  
Belinda A. Wilson

State of New York  
Court of Claims &  
Federal Court

Notice of Claim  
/ Suit / Under the  
Constitution of the  
U.S.A. ... Under

Ms. Barbara A. Wilson  
Rosario V. Hamilton  
(Claimants)

U.S.A. 42 U.S.C. § 1983  
28 U.S.C. § 1331, 1343  
Bivens Action Tort  
Claim in the Nature  
of Mandamus

v.

New York City  
Police Department  
et al  
(Defendants)

Claim No.	2018 P1008319
	2018 P1009320

NYC COMPTROLLER  
BUR. INFORMATION SYSTEMS  
CENTRAL IMAGING FACILITY  
RECEIVED

2018 MAY 17 P 5:00

"Final Notice" of "Agree or  
Disagree" - "Response" - To the  
"Supreme Law of the Land of these  
these United States of America" ...  
As to the Mandatory Ministerial  
Obligation Owing to the Claimants, of  
the Gross Violations of their Constitutional  
Rights Under the Preface "Act"  
Done "Under the Color of Law" ... by  
State & City Officials ... the New York  
City Police Department ... et al ...

1.) RESPONSE WAS TO BE SENT OF "AGREEMENT OR  
 DISAGREEMENT" ... TO Ms. BELINDA A. WILSON; Mr.  
 ROBERTO V. HAMILTON; AND TO NOTARY, Ms.  
 DAMARIS RODRIGUEZ-TOREES, Notary Public,  
 STATE OF NEW YORK - NO. D1806340594 ...  
 REGISTERED IN THE COUNTY OF ROCKS, NEW YORK ...  
 - AS TO THE CONDUCT OF CITY OFFICIALS, THE  
 NEW YORK CITY POLICE DEPARTMENT - ET AL ...  
 NO RESPONSE WAS EVER GIVEN ... IN TWO (2)  
 OTHER OCCASIONS ... THIS IS THE THIRD (3)  
 NOTICE ...

2.) A NO "RESPONSE ACTION", WAS CLEARLY INDICATED  
 TO MEAN NEW YORK CITY ADMINISTRATION ET AL ARE  
 IN FULL AGREEMENT IN FAVOR OF CLAIMANTS  
 RECEIVING THE RELIEF DEMANDED IN THE INSTANT  
 SUIT/COMPLAINT ...

3.) JUDGEMENT BY DEFAULT IS ALREADY AGAINST  
 THE DEFENDANTS ET AL ... CLAIMANTS HAVE EXTENDED  
 TIME FRAME TO <sup>NO</sup> AVAIL ... CLAIMANTS ARE NOW MAKING  
 ANOTHER ATTEMPT, "FINAL", OF SEEKING A RESPONSE  
 TO MAKE AND CONFERRED REDRESS AND COMING TO  
 TERMS OF HIS GROSS VIOLATIONS OF THEIR RIGHTS  
 IMPLICIT IN THE CONSTITUTION ... CLAIMANTS ARE  
 GIVING NEW YORK CITY + STATE ADMINISTRATORS ET AL  
 ANOTHER OPPORTUNITY TO DO THE "RIGHT THING" ...

4.) As the date of this final notice, the Defendants et al, have seven (7) days in which to comply. If no further response is, claimants have no other recourse but to seek relief + redress in the United States (Federal + State) District Courts...


Jurisdiction of Courts are "Dual And Concurrent" ...

We Swear Under The Penalty Of Perjury, The Foregoing To Be True And Correct...

Brian A. Wilson  
May 17th, 2018.

Robert V. Hamilton  
May 17th, 2018

KATHERINE PROCHILLO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PR6170947  
Qualified in Nassau County  
My Commission Expires August 25, 2019

Notary 

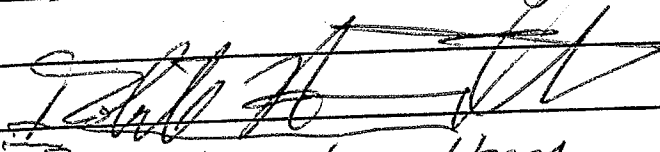
And As BUREAU: PLEASE SEND RESPONSE TO  
Ms Brian A. Wilson - Mr. Robert V. Hamilton ...  
And To Notary Mr. DENNIS RODRIGUEZ - TOWNS ...  
Thank You.

## "Certificate of Service"

I the Petitioner, still PRO-SE, AND IN FORMA  
PAUPERIS, CERTIFY THAT I HAVE DELIVERED A COPY OF  
THIS SUIT / CLAIM FINAL NOTICE ... UNDER THE  
CONSTITUTION OF THE U.S.A. 42 U.S.C. § 1983, 28  
U.S.C. § 1331, 1343 BIVENS ACTION TORT CLAIM  
TO SAID ADDRESS OF THE ...

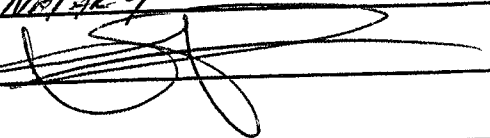
CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
CLAIMS AND ADJUDICATIONS  
1 CENTRE STREET ROOM 1200  
NEW YORK, N.Y. 10007-2341

ON THIS DATE MAY 17<sup>TH</sup>, 2018

  
ROBERTO HAMILTON

KATHERINE PROCHILLO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PR6170947  
Qualified in Nassau County  
My Commission Expires August 25, 2019

Notary



## RUSSO & TONER LLP

### ATTORNEYS AT LAW

33 Whitehall Street, New York, New York 10004  
Phone (212) 482-0001; Fax (212) 482-0002  
www.russotoner.com

April 23, 2018

Belinda Wilson  
147 Somers Street, Apt. 1L  
Brooklyn, NY 11233

### NOTICE OF 50-H HEARING

Claimant Name: Belinda Wilson  
Claim Number: 2018PI008320  
R&T File No.: 541.540

Dear Sir / Madam:

Please take notice that, pursuant to Section 50-h of the General Municipal Law (GML), claimant is mandated by law to appear at the following location, at the date and time specified below, to be orally examined under oath relative to the occurrence and extent of injuries for which the above claim is made:

**Date of Hearing:** Friday June 8<sup>th</sup>, 2018

**Time of Hearing:** 2:30PM

**Location of Hearing:** Russo & Toner, LLP  
33 Whitehall Street – 16<sup>th</sup> Floor  
New York, New York 10004

*June 7 to come*  
*June 8<sup>th</sup>*  
*2:30*  
*(John Arnold)*

The claimant should be accompanied by his/her attorney. Claimant is further mandated, pursuant to Section 93(d) of the New York City Charter and Section 50-h of the GML, to present him/herself for a physical examination at a date and location to be provided under separate cover.

Please note that all infant claimants must appear. The hearing will begin promptly at the time indicated and there will be no office space to meet with and prepare your client.

Upon receipt of this notice, please contact us if a language interpreter for your client is necessary. One day prior to the hearing, we will call your office to confirm the date and time of the hearing. If you confirm the hearing date at that time and you subsequently fail to appear for the hearing, you will be charged by the City for any legal fee, interpreter fee and stenographic fee incurred.

All applications for adjournments should be directed via email to [wkornegay@russotoner.com](mailto:wkornegay@russotoner.com) / [sdhanraj@russotoner.com](mailto:sdhanraj@russotoner.com).

**RUSSO & TONER**

Claimants will be permitted one adjournment without cause. Application for such adjournments should be made at least one week prior to the hearing date. Applications for additional adjournments must include the reason for the request, and will be granted for good cause **only**.

If a claimant fails to appear for a scheduled hearing, a default will be declared and claimant's failure to appear will be raised as an affirmative defense in any lawsuit subsequently filed.

In order to prevent fraud, you are required to present proper identification prior to commencement of the hearing. Additionally, you are requested to bring to the hearing original photographs of the accident scene and copies of all documents relevant to this claim including but not limited to:

- (1) prior written notice map;
- (2) all medical and hospital records;
- (3) authorizations for the Comptroller's Office to obtain, as applicable, medical, criminal, employment and/or school records, and loss of income documentation;
- (4) police reports.

Pursuant to State and Federal law, the Comptroller's Office, through its attorneys taking hearings, is authorized to obtain, social security and Medicare or Medicaid numbers for tax and reporting purposes, and to allow for the collection of liens held by the City and State.

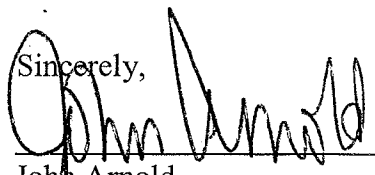
Please be advised that nothing contained herein shall be construed as extending the statute of limitations beyond the statutory time.

Please note that the office does not provide day care services. Therefore infants and small children will not be permitted in the office.

All questions with regard to this notice should be addressed to the undersigned at [wkornegay@russotoner.com](mailto:wkornegay@russotoner.com) / [sdhanraj@russotoner.com](mailto:sdhanraj@russotoner.com).

**Please be aware that filing a false claim or aiding and abetting the filing of a false claim is a crime. Violators will be prosecuted to the fullest extent of the law.**

**\*\*\*PLEASE CALL OUR OFFICE TO CONFIRM YOU HAVE RECEIVED THIS NOTICE (212)482-0001\*\*\***

Sincerely,  
  
John Arnold  
Assisting Calendar Coordinator

cc: Comptroller's office  
1 Centre Street  
NY, NY 10007